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Before the
Federal Communications Commission
Washington, D.C. 20554

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In the Matter of

911 Call Processing Modes

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WT Docket No. 99-328

ORDER**Adopted:** February 17, 2000**Released:** February 18, 2000

By the Chief, Wireless Telecommunications Bureau:

1. In a letter to the Chief of the Wireless Telecommunications Bureau dated February 11, 2000, Motorola, Inc. requests that the Commission waive a requirement of Section 22.921 of its rules.¹ Under that rule, all mobile phones manufactured after February 13, 2000 that are capable of operating in the analog mode are required to incorporate a special, approved method for processing 911 calls which overrides any programming in the handset (which might, for example, limit call completion to the caller's preferred carrier) and permits the call to be handled by other analog carriers.

2. In its letter, Motorola states it has successfully incorporated enhanced call completion features in its analog handsets and in both the analog and digital modes of operation of its multimode CDMA handsets.² Motorola has also developed all software changes necessary to implement these capabilities in its TDMA multimode handsets, including the extension of this enhanced 911 call completion capability to both analog and digital modes.³ According to Motorola, however, it has unexpectedly had a small delay in the final product line for TDMA multimode handsets that could not have been foreseen.⁴ Specifically, Motorola explains that testing and acceptance of the handset software upgrade that contains the modifications necessary for compliance with 47 CFR § 22.291 will not be completed by its carrier customers by February 13.⁵ The cause of this delay, Motorola states, was the identification, during testing on February 9, of a technical problem that could not be readily repaired.⁶ Motorola initially sought a six week extension of the February 13 deadline to fully implement its enhanced software for multimode TDMA handsets,⁷ and subsequently modified its request to seek an

¹ Letter from Mary E. Brooner, Director, Telecommunications Strategy and Regulation, Motorola Inc., to Thomas Sugrue, Chief, Wireless Telecommunications Bureau, February 11, 2000 (Motorola Waiver Request).

² *Id.* at 2.

³ Letter from Mary E. Brooner, Director, Telecommunications Strategy and Regulation, Motorola, Inc., to Blaise Scinto, Deputy Chief, Policy Division, Wireless Telecommunications Bureau, February 15, 2000 (Motorola February 15 Letter).

⁴ Motorola Waiver Request at 2.

⁵ *Id.*

⁶ Letter from Robert L. Pettit, Counsel for Motorola, Inc., to Thomas Sugrue, Chief, Wireless Telecommunications Bureau, February 17, 2000 (Motorola February 17 Letter).


⁷ Motorola Waiver Request at 1.

extension through April 1, 2000.⁸

3. Based on the information in Motorola's letter, we find good cause to conclude that the requested waiver will serve the public interest. According to Motorola, all of its analog and multimode CDMA handsets are fully compliant with the Commission's rules regarding 911 call completion.⁹ In addition, Motorola has made substantial progress towards achieving full compliance with its TDMA multimode handsets, prior to suffering a last minute setback. We recognize that unexpected delays can occur in the testing process and wish to allow adequate time to test and verify the performance of handset software. Inadequate testing, which could occur if testing is rushed, might fail to uncover problems that could undercut the performance of handsets, especially in emergency situations.

4. Moreover, we conclude that allowing Motorola additional time in which to comply with the rules with respect to its TDMA multimode handsets is consistent with actions we took in similar circumstances in response to requests by Nokia¹⁰ and Ericsson,¹¹ and the delay in Motorola's case will be substantially briefer.¹² As in those cases, the Motorola software changes should further assist in achieving the goals of the Commission by extending 911 call completion improvements to digital operations. We do not wish to disrupt handset production at a time when demand for handsets continues to grow strongly. This could harm consumers through higher prices, confusion, and reduced availability of dual band, multimode handsets. Thus, to enable Motorola to incorporate modifications into its multimode TDMA handsets that will render them fully compliant with 47 C.F.R. § 22.921, we believe that it is in the public interest to grant Motorola's request for a limited extension of time. We understand that Motorola may be able to resolve its outstanding technical issues and complete the testing of the software upgrade for its TDMA multimode handsets prior to the expiration of the extension period. If this turns out to be the case, we would expect Motorola to come into full compliance with 47 CFR § 22.921 as soon as possible.

5. Accordingly, IT IS ORDERED that Motorola's request for waiver of Section 22.921 of the Commission's Rules IS GRANTED through April 1, 2000.


Thomas J. Sugrue
Chief, Wireless Telecommunications Bureau

⁸ Motorola February 17 Letter at 2.

⁹ See *id.*

¹⁰ See *911 Call Processing Modes*, WT Docket No. 99-328, DA 00-132 (released January 28, 2000)

¹¹ See *911 Call Processing Modes*, WT Docket No. 99-328, DA 00-253 (released February 11, 2000).

¹² Nokia's waiver expires on May 28, 2000, Ericsson's on May 18, 2000 and Motorola's, under this order, on April 1, 2000.